

## Remarks

In the above referenced application, claims 1 and 3-5 and 7-9 are pending, claims 2,3 and 6 are canceled and claims 10-23 have been withdrawn.

On page 2 of the Office Action, the claims and specification have been objected to for the duplication of SEQ ID Nos. 2 and 3; 5 and 6; and 8 and 9. The claims and specification have been amended to correct the problem of duplication. No new matter has been made by such amendment.

The specification has been amended to now include the foreign priority of the UK application in the cross-reference section to overcome the objection made in the Office Action on page 2.

The abstract has been amended to conform to the one paragraph requirement and overcomes the objection made in the Office Action on page 2.

Thus, the specification now is in compliance with the rules and the objection can be removed.

On page 3 of the Office Action, claims 1-9 were rejected under 35 U.S.C. §112, second paragraph as being indefinite. Applicants traverse this rejection and respond to the Office Action in the order in which they were presented on page 3.

The Examiner rejects claim 1 as indefinite because reference to "p38" is a pellet identifier, and instead should be referred to as a "mitogen activated protein kinase" being careful not to add new matter, since the reference cited on page 8, line 19 of the specification is not incorporated by reference.

It is Applicants' contention that p38 as disclosed in the specification on page 8, line 19 is definite and that one skilled in the art armed with this disclosure would know the definition of the claimed p38 . Even if, *arguendo*, the Quevillon reference is not incorporated by reference, there is only one reference in the literature that is by Quevillon et al and published in 1999. A PubMed search was performed by Applicants using the terms "Quevillon and 1999". Only one reference was located, i.e., J. Mol Biol 1999, Jan 8, 285(1) 185-95 by Quevillon et al (attached hereto is a copy of the cited reference and a copy of this Pub Med search). This reference describes the characterization of one of three auxiliary proteins found in eukaryotic aminoacyl-tRNA synthetases called p38. It is well recognized in the art that the notation "p" before a number characterizes a "protein" and the number

symbolizes the apparent molecular weight as determined by SDS-PAGE. It is also well recognized in the art that when the notation is italicized, e.g., *p38*, it symbolizes the gene that encodes for the protein, e.g., p38. This is also supported in the text of the Quevillon et al reference, which discloses in the middle of column 2 on page 184:

“To further elucidate the role of the non-synthetase components of the complex, we have isolated the cDNA encoding p38, the last uncharacterized protein of the multisynthetase complex of mammalian origin.

.....

Sequencing of the 1226 bp cDNA showed that it encodes a protein of 320 amino acid residues with a predicted molecular mass of 35.4 kDa, in agreement with its apparent mass of 38 kDa determined by SDS-PAGE analysis of the purified complex from CHO cells...”

Applicants submit that the term p38 as claimed is clear and one skilled in the art would know the exact metes and bounds of the claimed protein.

Applicants have amended claim 1 to reflect the binding partner of p38 and have amended claims 8 and 9 to clearly recite what Applicants regard as their invention. Claim 6 has been withdrawn and claim 7 has been amended to be dependent on the in vitro assay.

Accordingly, for the reasons stated above and the amendments made herein, withdrawal of the 112 rejections are in order.

At the bottom of page 3 of the Office Action, claims 1 and 4-7 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 6,010,856.

The rejection is traversed for the following reason.

The instant method as amended requires the association of p38 protein and a parkan protein, which is not taught in the assay of Ulevitch et al. Hence, withdrawal of the rejection is in order

On page 4 of the Office Action, claims 1 and 8 was rejected under 35 U.S.C. §103(a) over U.S. Patent 6,010,856 and Vogelstein et al. and/or Nicolaides et al.

The rejection is traversed for the following reason.

The instant method as now amended requires the association of p38 protein and a parkan protein, which is not taught nor made obvious from the combination of the above noted references. Hence, withdrawal of the rejection is in order.

Should the Examiner believe that an interview would advance the prosecution of this application, the Applicants invite her to contact the undersigned at 908.231.4658.

Respectfully submitted,

  
Karen I. Krupen, Reg. No. 34,647  
Attorney/Agent for Applicant

Sanofi-Aventis Pharmaceuticals  
Patent Department  
Route #202-206 / P.O. Box 6800  
Bridgewater, NJ 08807-0800  
Telephone (908) 231-4658  
Telefax (908) 231-2626

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